

**IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
NORTHERN DIVISION**

JANICE McCOLLUM
Plaintiff

V.

**AMTREN, INC.,
Defendant**

$$\begin{array}{c}) \\) \\) \\) \\) \\) \end{array}$$

Case No. 2:-05-cv-1237-WKW

(JURY DEMAND)

**MOTION TO EXTEND TIME FOR SUMMARY JUDGMENT RESPONSE
IN ACCORDANCE WITH F.R.C.P. 56(F)**

COMES NOW the Plaintiff, by and through her attorney, and submits her Motion to Extend Time For Summary Judgment In Accordance With F.R.C.P. 56(f), by attachment of counsel's affidavit, and states as follows:

1. On November 30, 2006, this Court ordered the plaintiff to submit her response to the defendants' Motion For Summary Judgment by December 20, 2006.
2. Plaintiff requests an extension of time within which to submit her response pursuant to F.R.C.P. 56(f), and as cause shows that she has made diligent efforts to obtain essential discovery in this matter as demonstrated in the plaintiff's Motion to Compel, with exhibits, filed with the Court on December 13, 2006. Though Plaintiff has diligently conducted discovery, she believes that she needs the documents and/or information set forth in her Motion to Compel in order to fully and fairly respond to the Motion For Summary Judgment.
3. Plaintiff anticipates that this discovery will create genuine issues of material fact on the defendant's allegations made in defense of its discriminatory termination of her employment.

4. Plaintiff has made good faith efforts as set forth in her Motion to Compel to obtain this discovery, but has been unable to obtain the contemplated discovery without the assistance of the Court.

5. Plaintiff has demonstrated good cause for an extension of the deadline under F.R.C.P. 56(f), and neither party will be prejudiced by the grant of this extension. .

6. This motion is not interposed for purposes of delay, but is made in good faith.

WHEREFORE, Plaintiff respectfully prays that this Honorable Court enter an order:

- A. Extending the deadline for submission of her response to summary judgment in this case from December 20, 2006, to 21 days after provision of the outstanding discovery from the defendant.
- B. Ordering any and all other relief this Court deems fair and just.

Respectfully submitted this 14th day of December, 2006.

/s/**Jimmy Jacobs**

JIMMY JACOBS (JAC051)
Attorney for Plaintiff
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Montgomery, Alabama 36117
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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing was transmitted to the Clerk of the Court for service upon counsel of record by the Court's CM/ECF system on this the 14th day of December, 2006.

/s/Jimmy Jacobs
JIMMY JACOBS (JAC051)

COUNSEL OF RECORD:

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